GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

PS – PR&RD Department - Allegations of irregularities in execution of works "G/M the road from Rompivalasa to Pedda Seedhi" and "B.T. to the road from Romadala – Chakipalli road to Seedhi(via) Makivalasa in Pathapatnam(M) taken up under NABARD(RIDF-XVI)" executed by the Panchayat Raj Department - Disciplinary proceedings against Sri K.Nageswara Rao, Assistant Executive Engineer, PR of Zone-II presently working on deputation at PRI Sub-Division, Pathapatnam under Rule 20 of the Andhra Pradesh Civil Services (Classification, Control & Appeal) Rules, 1991 – Article of Charges – Orders - Issued.

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PANCHAYAT RAJ AND RURAL DEVELOPMENT(VIG.I) DEPARTMENT

G.O.RT.No. 276 **Dated: 18-04-2017**

Read:

1. From DG, V&E Department, Vigilance Report No.47 (C.No.325/V&E/E2/2013), Dt.16.06.2015.

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ORDER:

It is proposed to hold an inquiry against Sri K.Nageswara Rao, Assistant Executive Engineer, PR of Zone-II presently working on deputation at PRI Sub-Division, Pathapatnam in accordance with the procedure laid down in Rule 20 of Andhra Pradesh Civil Services (CC&A) Rules, 1991.

2. The substance of the imputations of misconduct or misbehaviour in respect of which the inquiry is proposed to be held is set out in the enclosed statement of article of charges (Annexure-I and II). A list of documents by which, and a list of witnesses by whom, the articles of charge are proposed to be sustained are also enclosed (Annexure III and IV).

3. Sri K.Nageswara Rao, Assistant Executive Engineer, PR of Zone-II presently working on deputation at PRI Sub-Division, Pathapatnam, is directed to submit a Written statement of his defence within 10 days of the receipt of this order.

4. Sri K.Nageswara Rao, Assistant Executive Engineer, PR of Zone-II presently working on deputation at PRI Sub-Division, Pathapatnam, is informed that an inquiry will be held only in respect of those articles of charge as are not admitted. He, should, therefore, specifically admit or deny each article of charge.

5. Sri K.Nageswara Rao, Assistant Executive Engineer, PR of Zone-II presently working on deputation at PRI Sub-Division, Pathapatnam, is further informed that if he does not submit his written statement of defence on or before the date specified in para 3 above or otherwise fails or refuses to comply with the provisions of Rule 20 of Andhra Pradesh Civil Services (CC&A) Rules, 1991 or the orders/directions issued in pursuance of the said rules, the Inquiring Authority may hold the inquiry against him ex parte.

6. Attention of Sri K.Nageswara Rao, Assistant Executive Engineer, PR of Zone-II presently working on deputation at PRI Sub-Division, Pathapatnam, is invited to Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964, under which no Government servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interest in respect of matter pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt with these proceedings it will be presumed that Sri K.Nageswara Rao, Assistant Executive Engineer, PR of Zone-II presently

(Contd……)

working on deputation at PRI Sub-Division, Pathapatnam, is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of rule 24 of Andhra Pradesh Civil Services (Conduct) Rules, 1964.

7. The receipt of the order be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr.K.S.JAWAHAR REDDY
PRINCIPAL SECRETARY TO GOVERNMENT(PR)

To
Sri K.Nageswara Rao, Assistant Executive Engineer, PR of Zone-II presently working on deputation at PRI Sub-Division, Pathapatnam **through** Engineer-in-Chief, Panchayat Raj, Andhra Pradesh, Vijayawada.
The Engineer-in-Chief, Panchayat Raj, Andhra Pradesh, Vijayawada(with a request to serve the charges to the individual and furnish a served copy to Govt.,)
SF/SC.

//FORWARDED::BY::ORDER//

SECTION OFFICER

Annexure – I

Statement showing the article of charges framed against Sri K.Nageswara Rao, Assistant Executive Engineer, PR of Zone-II presently working on deputation at PRI Sub-Division, Pathapatnam

Charge-1

That Sri K.Nageswara Rao, Assistant Executive Engineer, PRI Sub-Division, Pathapatnam has involved in allegations of irregularities in execution of the work G/M the road from Rompivalasa to Pedda Seedhi by the Panchayati Raj Division, Palakonda, Srikakulam District and caused loss to the Government funds, in contravention of APCS (CCA) Rules 1964.

By his above mentioned act, Sri K.Nageswara Rao, Assistant Executive Engineer, PRI Sub-Division, Pathapatnam failed to discharge his duties, lack of integrity, devotion to duty and conduct unbecoming of a Government Servant & thereby contravened Rules, 3(1) and 3(2) of Andhra Pradesh Civil Services (Conduct) Rules, 1964.

Dr.K.S.JAWAHAR REDDY
PRINCIPAL SECRETARY TO GOVERNMENT (PR)

//FORWARDED::BY::ORDER//

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ANNEXURE-II

Statement of imputations of misconduct in support of Article of Charges framed against Sri K.Nageswara Rao, Assistant Executive Engineer, PR of Zone-II presently working on deputation at PRI Sub-Division, Pathapatnam

The Vigilance & Enforcement Department have verified the work "G/M the road from Rompivalasa to Pedda Seedhi" executed by the Panchayati Raj Division, Palakonda, Srikakulam District. The work was administratively sanctioned by the District Collector, Srikakulam vide Porg.Rc.No.4314/09/B1, dt.26-03-2010 and technically sanctioned by the Superintending Engineer, PR, Srikakulam vide C.R.No.268/09-10, dt.29-03-2010 for Rs.30.00 lakhs. The main provisions in the estimate are as follows:

a. Earth work for widening from km 0/0 to 3/0.
b. Granular sub base of 150mm compacted thick from km 0/0 to 3/0.
c. WBM with Gr-II HBG metal of 75mm compacted thick from Km 0/0 to 3/0.
d. Pipe culverts of 600mm dia RCC NP3 class – 5 Nos.
e. Retaining wall to a length of 200m

Findings of the V&E:

1. Two works with overlapping provisions in same reach from km 0/5 to 2/9 are sanctioned at once under MGNREGS grant (with est. cost of Rs.30.00 lakhs) and under NABARD – RIDF – XVI (PLAIN) Ph-II grant (for Rs.110.00 lakhs).

2. The Superintending Engineer, PR, Srikakulam has shown very lenient attitude by allowing two works to sanction on one road under different grants and at same reaches and failed to appraise the higher authorities in time i.e., to the technical sanctioning and tender approval authority, even though it was known to him well before the acceptance of tenders by the authority. It is highly irregular and not acceptable.
3. The working estimate was prepared in July, 2012 by deleting the over lapped provisions of GSB and WBM Gr-II HBG metal and made provisions of profile correction with Gr-II HBG metal and additional retaining wall to a length of 135mt instead of the deleted items. The Superintending Engineer, PR, Srikakulam has not obtained any inspection report from the Executive Engineer, PR, Palakonda for necessity of the additional provision of profile correction with WBM Gr-II HBG metal over newly laid WBM Gr-II HBG metal under MGNREGS which was densely covered with Gravel protective carpet of 38mm thickness, without asking the reasons for the same the working estimate was sent to the Chief Engineer, PR, NABARD, Hyderabad for technical sanction. But in the physical observation of V&E officials that the surface of WBM with Gr-II with gravel protective carpet was traced out and it was intact in 3rd KM, the provision of profile correction with Gr-II HBG metal is unnecessarily executed and caused loss to the Government to an amount or Rs.2,69,845/-.

4. In the original estimate retaining walls are proposed on tank bund on water body side to a length of 200mm only. In the working estimate it is increased to 335mm. The field engineers have proposed retaining walls from the savings amount, which was arrived by deleting the GSB and WBM Gr-II HBG metal from Km 0/5 to 2/0. Further, the retaining walls were constructed on the field side at KM 0/6 – 0/8 to a length of 100mm and at Km 1/0 – 1/2 to a length of 51m.
5. The Asst. Engineer, PIU, Kotturu has recorded the last set of the work on 20-01-2013 and informed that the work was completed by that date. EOAT proposals were submitted on 25-02-2013 to the Executive

Engineer, PR, Palakonda with delay of the work for 59 days as against the agreement period and proposed a nominal penalty of Rs.5,000/- by recommending the reasons for delay in physical handing over of site since a work sanctioned under MGNREGS work on the same road was in progress at the time of agreement. But it was not correct, as the agreement was entered after the completion of the MGNREGS work only by the Superintending Engineer. Further, Dy. Executive Engineer, PR, V&QC, Palakonda and the Executive Engineer, PR, V&QC, Visakapatnam have mentioned in their reports that this work was in progress on 01-02-2013 and 18-03-2013 respectively. Hence, the field engineers have deceived the higher officials and Government by recording the items of work in prior to the execution and stating that the work was completed in prior date to the actual date of completion. The Executive Engineer, PR, Palakonda has also involved in the same by reporting the same to the Superintending Engineer, PR, Srikakulam without ascertaining the actual ground position on 25-02-2013 and proposed a nominal penalty and causing a loss to the Government by not imposing the penalty as per norms. Hence, the Assistant Engineer, Dy. Executive Engineer and the Executive Engineer are most responsible for this lapse.

6. The actual penalty to be imposed to the Contactor due to actual delay (up to 18-03-2013, inspection date of EE, PR, V&QC, Visakhapatnam) of 117 days an amount of Rs.1,76,436/- to be imposed, but only Rs.5,000/- was imposed as liquidated damages to the Contractor and causing loss to the Government to an amount of Rs.1,71,436/-.

7. While approving the working estimate the Chief Engineer, PR, NABARD, Hyderabad has requested the Superintending Engineer, PR, Srikakulam to check measure all the deviated provisions, but the Superintending engineer was check measured only 10% of the work and not check measured any deviated provisions approved in the working estimate.

8. The Divisional Accounts Officer, PR, Palakonda and Senior Assistant of same office have entered wrong information in online to pass the bills at PAO office, that the Superintending Engineer has check measured the work as per norms.

9. The Executive Engineer, PR, Palakonda has passed two bills after the lapse of agreement period as against to the norms and same was paid by the PAO, Srikakulam without EOAT.

10. The Pay and Accounts officer, Srikakulam has admitted the bill LS VII & part where recordings were done after the lapse of the agreement period and having no EOAT for the said work and paid an amount of Rs.9,21,779/- on 13-3-2013 without checking the agreement position and the value of work check measured by the Superintending Engineer.

11. Deficiencies are observed in both the works and the recoveries were calculated for the deficiencies and are tabulated as follows.

RECOVERY PROPOSED

Work-1 G/M the road from Rompivalasa to Pedda Seedhi, Estimate cost Rs.30.00, MGNREGS RCP-I.

Sl.No.	Deficiency observed	% of deficiency	Recovery proposed in Rs.
1	Thickness of WBM with Gr-II HBG metal layer	15.55	53,444
2	Thickness of GSB layer	12.40%	36,554
3	Oversized metal observed in WBM Gr-II HBG metal layer	9%	2,535
		Total	92,533

By his above mentioned act, Sri K.Nageswara Rao, Assistant Executive Engineer, PRI Sub-Division, Pathapatnam failed to discharge his duties, lack of integrity, devotion to duty and conduct unbecoming of a Government Servant & thereby contravened Rules, 3(1) and 3(2) of Andhra Pradesh Civil Services (Conduct) Rules, 1964.

Dr.K.S.JAWAHAR REDDY
PRINCIPAL SECRETARY TO GOVERNMENT (PR)

//FORWARDED::BY::ORDER//

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Annexure – III

List of documents by which the articles of charges are proposed to be sustained.

1. The Government Memo.No.9961/Vig.I/2015, dated.20-06-2016 (DG, Vigilance & Enforcement Department report No.47 (C.No.325 /V&E/E2/2013) dt.16-06-2015.

Dr.K.S.JAWAHAR REDDY
PRINCIPAL SECRETARY TO GOVERNMENT (PR)

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Annexure – IV

List of witnesses by whom the article of charges is proposed to be sustained.

-NIL-

Dr.K.S.JAWAHAR REDDY
PRINCIPAL SECRETARY TO GOVERNMENT (PR)

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